

**Baker & Hostetler LLP**

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Keith R. Murphy

Maximillian S. Shifrin

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Estate  
of Bernard L. Madoff,

Plaintiff,

v.

SERENE WARREN REVOCABLE TRUST  
U/A/D SEPTEMBER 15, 2005, SERENE  
WARREN and CHRISTOPHER WARREN, as  
trustees of the Serene Warren Revocable Trust, and

Adv. Pro. No. 10-04514 (SMB)

SERENE WARREN, individually,

Defendants.

**STIPULATION AND ORDER FOR  
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants, by and through its counsel, Loeb and Loeb LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and thereafter served the Complaint on Defendants.

2. On January 17, 2014, Defendant served an answer on the Trustee.

3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181 in Adv. Pro. No. 08-01789 (SMB)], the Parties entered into a Settlement Agreement and Release effective January 25, 2018 (the “Settlement Agreement”).

4. Pursuant to the terms of the Settlement Agreement, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, without costs to either Trustee or Defendant.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and

parties of interest.

Dated: February 15, 2018

**BAKER & HOSTETLER LLP**

By: /s/ Keith R. Murphy  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Keith R. Murphy  
Email: kmurphy@bakerlaw.com  
Maximillian S. Shifrin  
Email: mshifrin@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**LOEB & LOEB, LLP**

By: /s/ Daniel B. Besikof  
345 Park Avenue  
New York, New York 10154  
Telephone: 212.407.4129  
Facsimile: 646.417.6335  
P. Gregory Schwed  
Email: gschwed@loeb.com  
Daniel B. Besikof  
Email: dbesikof@loeb.com

*Attorneys for Defendants*

SO ORDERED

Dated: **February 15<sup>th</sup>, 2018**  
New York, New York

**/s/ STUART M. BERNSTEIN**  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE